



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2009 REGULAR SESSION

---

HOUSE BILL NO. 336

---

WEDNESDAY, FEBRUARY 25, 2009

---

The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED  
DATE March 20, 2009  
6:25pm  
\_\_\_\_\_  
TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY R. Allen

AN ACT relating to dental hygienists.

***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

1        ➔ Section 1. KRS 313.010 is amended to read as follows:

2        As used in this chapter, unless the context requires otherwise:

3        (1) "Board" means the Kentucky Board of Dentistry.

4        (2) Any person shall be regarded as "practicing dentistry" who, for a fee, salary or other  
5        reward paid, or to be paid either to himself, or to another person, performs or  
6        advertises to perform, dental operations of any kind, or who diagnoses or treats  
7        diseases or lesions of human teeth or jaws, or attempts to correct malpositions  
8        thereof, or who diagnoses or treats disorders, or deficiencies of the oral cavity and  
9        adjacent associated structures, or who takes impressions of the human teeth or jaws  
10       to be used directly in the fabrication of any intraoral appliance, or shall construct,  
11       supply, reproduce or repair any prosthetic denture, bridge, artificial restoration,  
12       appliance or other structure to be used or worn as a substitute for natural teeth,  
13       except upon the written laboratory procedure work order of a licensed dentist and  
14       constructed upon or by the use of casts or models made from an impression taken  
15       by a licensed dentist, or who shall advertise, offer, sell or deliver any such substitute  
16       or the services rendered in the construction, reproduction, supply or repair thereof to  
17       any person other than a licensed dentist, or who places or adjusts such substitute in  
18       the oral cavity of another, or who uses the words "dentist," "dental surgeon," the  
19       letters "D.D.S.," "D.M.D.," or other letters or title in connection with his name,  
20       which in any way represents him as being engaged in the practice of dentistry.

21       (3) "Dental hygiene" shall mean the treatment of human teeth by scaling, polishing,  
22       planing and removing therefrom calcareous deposits~~[-]~~ and~~[-by]~~ removing  
23       accumulated accretion from beneath the free margin of the gums; **dental hygiene**  
24       **assessment**~~[-]~~ and may also include other dental activities not specifically  
25       prohibited by this chapter or by regulation of the board provided, that nothing in

1 KRS 313.260 to 313.350 shall be so construed as to affect the practice of medicine  
 2 or dentistry nor to prevent students of a dental college or university from practicing  
 3 dental hygiene under supervision of their instructors; and, provided further, that  
 4 nothing in KRS 313.260 to 313.350 shall be construed to authorize any dental  
 5 hygienist to perform any operation in a patient's mouth without supervision of a  
 6 dentist.

7 (4) "Dental laboratory" includes any person, firm or corporation other than a licensed  
 8 dentist, who directly or through an agent or employee, by any means or method, in  
 9 any way supplies or manufactures artificial substitutes for the natural teeth, other  
 10 than those unfinished substitutes normally available through dental supply houses,  
 11 or who furnishes, supplies, constructs or reproduces or repairs any prosthetic  
 12 denture, bridge or appliance to be worn in the human mouth or who performs or  
 13 offers or undertakes to perform or accomplish dental laboratory technology.

14 (5) "Dental laboratory technician" means any individual who performs or offers or  
 15 undertakes to perform or accomplish dental laboratory technology and who is  
 16 classified as such by regulations of the board adopted as provided in this chapter.

17 (6) "Commercial dental laboratory" shall mean any dental laboratory as defined in  
 18 subsection (4) of this section other than a laboratory of practicing dentists,  
 19 accredited schools and nonprofit institutions for use only for their own patients.

20 (7) "Commission" means the Dental Laboratory Advisory Commission.

21 (8) "Laboratory association" means the Kentucky Dental Laboratory Association.

22 ➔Section 2. KRS 313.310 is amended to read as follows:

23 (1) No person shall practice dental hygiene nor hold himself out as a dental hygienist  
 24 without a license issued by the board.

25 (2) A licensed dental hygienist shall practice under the supervision, order, control, and  
 26 full responsibility of a dentist licensed under this chapter and may practice;

27 (a) In a dental office, public or private school, health care facility, or government

1 institution with a dentist on staff;

2 **(b) Without the physical presence of a supervising dentist**~~[except]~~ as provided in  
 3 administrative regulations promulgated pursuant to subsections (3), (4), and  
 4 (5) of this section; **or**

5 **(c) Without a supervising dentist if providing screening services in accordance**  
 6 **with subsection (9) of this section.**

7 (3) A dental hygienist may provide, for not more than fifteen (15) consecutive full  
 8 business days, dental hygiene services to a patient when the supervising dentist is  
 9 not physically present at the location at which the services are provided if all the  
 10 following requirements are met:

11 (a) The dental hygienist shall have at least two (2) years with a minimum of three  
 12 thousand (3,000) hours of experience in the practice of dental hygiene;

13 (b) The dental hygienist shall have successfully completed a course approved by  
 14 the board in the identification and prevention of potential medical  
 15 emergencies with recertification in this course every two (2) years;

16 (c) The dental hygienist shall comply with written protocols for emergencies the  
 17 supervising dentist establishes;

18 (d) The board shall promulgate administrative regulations to determine  
 19 procedures the dental hygienist shall not be allowed to perform while the  
 20 supervising dentist is absent from the work site; and

21 (e) The dental hygienist shall not examine or provide dental health services to a  
 22 patient who has not been examined by the supervising dentist within the  
 23 previous seven (7) months. The supervising dentist shall have completed and  
 24 evaluated a medical and dental history of the patient and shall have placed a  
 25 written order for treatment in the patient's file. The board shall promulgate  
 26 administrative regulations to determine guidelines for the written order.

27 (4) (a) The license for each dental hygienist shall be continuously displayed in a

- 1 conspicuous place in the office where the licensee practices.
- 2 (b) The supervising dentist shall evaluate and provide to the board written  
3 validation of an employed dental hygienist's skills.
- 4 (c) The supervising dentist shall establish a written office protocol clearly  
5 defining all guidelines, including one addressing medically compromised  
6 patients, when the treatment by the hygienist is permitted and when the patient  
7 needs to be seen exclusively by the dentist. The minimum requirements of the  
8 written protocol shall be promulgated in administrative regulations established  
9 by the board.
- 10 (d) A patient shall be notified[ ~~three (3) business days~~] in advance of an  
11 appointment for dental hygiene services when the supervising dentist will be  
12 absent from the location. The patient shall be required to sign an informed  
13 consent form, prior to treatment by the hygienist, acknowledging the dentist's  
14 absence.
- 15 (5) The dental hygienist may provide dental hygiene services to a patient when the  
16 supervising dentist is not physically present at the location at which the services are  
17 provided if the services are provided as part of a dental health program that is  
18 approved by the board and meets all of the following requirements:
- 19 (a) The program is operated through a school district board of education or the  
20 governing board of an educational service center; the board of health of a city  
21 or general health district or the authority having the duties of a board of health  
22 under KRS 212.245; a national, state, district, or local dental or dental  
23 hygienist association; or any other public or private entity recognized by the  
24 board;
- 25 (b) The supervising dentist is employed by or is a volunteer for the entity through  
26 which the program is operated and through which the patients are referred;  
27 and

1 (c) The services are performed after examination and diagnosis by the dentist and  
 2 in accordance with the dentist's written treatment plan.

3 (6) A dental hygienist may be employed by the supervising dentist or under contract  
 4 with a dentist licensed under this chapter who is one (1) of the following:

5 (a) The employer of the supervising dentist;

6 (b) A shareholder in a professional association formed under KRS 274.015 of  
 7 which the supervising dentist is a shareholder;

8 (c) A member or manager of a limited liability company formed under KRS  
 9 275.005 of which the supervising dentist is a member or manager;

10 (d) A shareholder in a corporation formed under KRS Chapter 271B of which the  
 11 supervising dentist is a shareholder;

12 (e) A partner or employee of a partnership of which the supervising dentist is a  
 13 partner or employee; or

14 (f) A government entity that employs the dental hygienist to provide dental  
 15 hygiene services in a public school in connection with other programs the  
 16 government entity administers.

17 (7) It shall be unlawful for a person or corporation to practice dental hygiene in a  
 18 manner that is separate or independent from the dental practice of a supervising  
 19 dentist or to establish or maintain an office or practice that is primarily devoted to  
 20 the provision of dental hygiene services.


21 (8) For purposes of determining whether or not a dental hygienist has met the  
 22 experience requirements specified in subsection (3)(a) of this section, all experience  
 23 that the dental hygienist obtained prior to July 15, 2002, shall be counted.

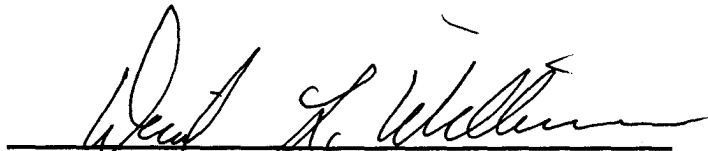
24 **(9) A dental hygienist may provide screening services in any setting without the**  
 25 **supervision of a dentist if:**

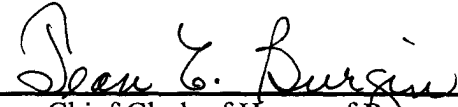
26 **(a) The screening is conducted to fulfill the requirements of KRS 156.160(1)(i);**

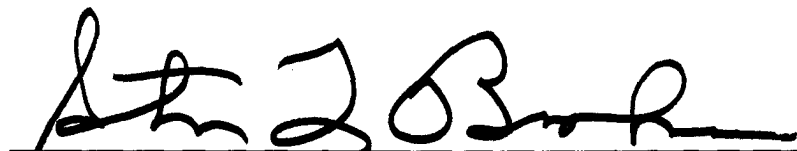
27 **and**

1       **(b) Patients are informed that the service being provide is a screening and that**  
2       **only a dentist is licensed to make a definitive diagnosis of the need for**  
3       **dental care.**

  
\_\_\_\_\_  
Speaker House of Representatives

  
\_\_\_\_\_  
President of Senate

Attest:   
\_\_\_\_\_  
Chief Clerk of House of Representatives

Approved   
\_\_\_\_\_  
Governor

Date 3-20-09